

### Remarks

The Applicants respectfully traverse the Examiner's final rejection of claims 1, 3-14 and 27-50 under 35 USC 102(b). The Applicants propound evidence under 37 CFR 1.132 that the claimed invention was not in public use or on sale more than one year prior to the Applicants' filing date.

The Examiner bases his 35 USC 102(b) rejection on information provided in two references. The first reference is an Automotive News article dated March 11, 2002 – almost two years after the Applicants' filing date (April 12, 2000). According to the Examiner, this reference "states that the claimed invention has been used in a pilot program for the past three years." (Paper No. 13, paragraph 4.) The Examiner apparently subtracted three years from the date the article was published to arrive at his 35 USC 102(b) rejection "based upon a public use or sale of the invention" more than one year prior to the Applicants' filing date. (Paper No. 13, paragraphs 2-4.)

Exhibit A to this response is an inventor's declaration under 37 CFR 1.132 swearing that the claimed invention was not piloted before October 4, 1999, less than one year prior to the Applicants' filing date. This fact is memorialized by the "Digital Imaging Install Schedule" shown in Exhibit B.


The second reference that the Examiner relies upon is a "Digital Imaging System" web page from www.mediamagik.com. According to the Examiner, "MediaMagic discloses the exact invention on their website" and "the website and reference date back to January 25, 1999." (Paper No. 13, paragraph 5.) The Examiner has mischaracterized the publication date of this reference. This fact is confirmed by the "© 2002" printed at the bottom of the "Digital Imaging System" web page the Examiner relies on. As set forth in Exhibit A, the "Digital Imaging System" web page the Examiner relies on was not available at www.mediamagik.com until September 2002.

In sum, the inventions disclosed and claimed in U.S. Patent Application Serial Nos. 09/547,661 and 09/547,650 were not in public use or on sale more than one year prior to the Applicants' filing date. (Exhibit A.)

Based on the forgoing, the Applicants respectfully request that the Examiner's rejection of claims 1, 3-14 and 27-50 under 35 USC 102(b) be withdrawn.

Respectfully submitted,

**WILLIAM T. ROWSE ET AL.**

By   
JOHN S. Le ROY  
Reg. No. 48,158  
Attorney/Agent for Applicants

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**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351